

LUC-451/Chin 5-43-3

REMARKS

Claims 1-20 are pending in the application. Claims 1-20 were rejected under 35 U.S.C. §103(a).

Rejection Under 35 U.S.C. §103(a)

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,148,069 issued to Ekstrom et al. on November 14, 2004 in view of U.S. Patent Application Number 2004/0017908 issued to Pelletier et al. dated January 29, 2004.

Applicants have avoided this ground of rejection for the following reasons.

Applicants assert that even if it were proper to combine the cited references, the resulting combination would not make obvious applicants' claims. This is because neither Ekstrom nor Pelletier teach or suggest applicants' claim 1 limitation, as amended, that now recites,

"a control component that comprises an interface usable by an administrator to designate one or more tones and one or more announcements that are playable in a communication session as interruptible, wherein the one or more tones designated as interruptible are not limited to dial tone information streams."

As stated in the Office Action, Ekstrom does not teach this limitation. Applicants note that Pelletier does not teach the limitation either. Instead, Pelletier discloses that a subscriber may press a key on a telephone to interrupt a dial tone information stream, as stated in paragraph 0023. However, contrary to applicants' claim 1, Pelletier does not teach that the one or more tones designated as interruptible are not limited to dial tones information streams, as recited in applicants' claim 1. This is because Pelletier only interrupts dial tone information streams, e.g., streaming audio dial tone, as stated in paragraphs 0023-0027. Thus, Pelletier is missing the element "wherein the one or more tones designated as interruptible are not limited to dial tone information streams".

LUC-451/Chin 5-43-3

Thus, the clear teaching of Ekstrom with Pelletier is that the one or more tones designated as interruptible are limited to dial tone information streams.

Since neither reference teaches or suggests that "the one or more tones designated as interruptible are not limited to dial tone information streams", as recited in applicants' claim 1, a combination of the references cannot teach or suggest the limitation. Therefore claim 1 is not obvious.

Since claims 2-13 depend from allowable claim 1, these claims are also allowable over the proposed combination of Ekstrom and Pelletier.

Independent claims 14 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination. For example, claims 14 and 20 recite, "wherein the one or more tones designated as interruptible are not limited to dial tone information streams". The proposed combination of Ekstrom and Pelletier does not teach this limitation for the above-mentioned reasons. Therefore, claims 14 and 20 are likewise allowable over the proposed combination. Since claims 15-19 depend from claim 14, these dependent claims are also allowable over the proposed combination.


LUC-451/Chln 5-43-3

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

By 
Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Dated: June 8, 2006

CARMEN B. PATTI & ASSOCIATES, LLC
Customer Number 47382